

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

EOD
05/12/2023

IN RE: §
§
Charles Muszynski § Case No. 23-90112
xxx-xx-1273 §
2810 US Highway 190 West, #100 §
Livingston, TX 77351 §
§
Debtor § Chapter 7

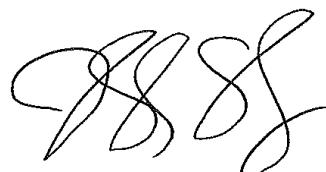
**ORDER DENYING DEBTOR'S APPLICATION FOR EXTENSION
OF TIME TO MEET CREDIT COUNSELING REQUIREMENT**

ON THIS DATE the Court considered the request for waiver of the credit counseling requirement contained in the voluntary petition filed by the above-referenced *pro se* Debtor, Charles Muszynski. The voluntary petition form provides specific instructions that debtors choosing to seek a temporary waiver of the credit counseling requirement, including a directive to "attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case." No separate explanation was provided by Debtor, and 11 U.S.C. § 109(h)(3)(A) does not authorize this Court to extend the time for compliance with this requirement unless the prerequisites stated therein are met, including that a request for credit counseling services was actually made but could not be fulfilled prior to the filing of the petition. The request contained in the voluntary petition, without more, does not satisfy those prerequisites. Because the Debtor failed to provide sufficient justification to merit a temporary waiver of the requirements imposed by 11 U.S.C. §109(h), the Court finds that just cause exists for entry of the following order. Accordingly,

IT IS THEREFORE ORDERED that Debtor should fulfill the credit counseling requirement immediately but in any case not later than **Friday, May 26, 2023**. If such requirement is fulfilled prior to this date, the Court would hope that parties in interest would elect to waive this eligibility issue in light of Debtor's *pro se* status, thereby avoiding a possible pointless re-filing and the necessity of conducting a stay continuation hearing.

IT IS FURTHER ORDERED that the request for waiver of the credit counseling requirement contained in the voluntary petition filed by the above-referenced Debtor, Charles Muszynski, on May 11, 2023, is otherwise **DENIED**.

Signed on 05/12/2023



THE HONORABLE JOSHUA P. SEARCY
UNITED STATES BANKRUPTCY JUDGE